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# EXHIBIT “1”

Electronically Issued  
12/17/2021 9:23 AM

**SUMM**

Scott L. Poisson, Esq.  
Nevada Bar No. 10188  
Amber N. King, Esq.  
Nevada Bar No. 14070  
**BERNSTEIN & POISSON**  
700 S. Jones Blvd.  
Las Vegas, Nevada 89107  
Telephone: (702) 877-4878  
Facsimile: (702) 256-6280  
*Attorneys for Plaintiff*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

ELVIA WILLIAMS, an individual,

Plaintiff,

v.

99 CENTS ONLY STORES, LLC, DOES 1  
through 100; and ROE CORPORATION 101  
through 200, inclusive,

Defendant(s).

**CASE NO: A-21-845580-C**

Case No.:

Dept. No.: **Department 16**

**SUMMONS**

99 Cents Only Stores, LLC.

**NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST  
YOU WITHOUT YOUR BEING HEARD, UNLESS YOU RESPOND WITHIN 20  
DAYS. READ THE INFORMATION BELOW.**

**TO THE DEFENDANT:** A civil Complaint has been filed by the Plaintiff against  
you for the relief set forth in the Complaint.

1. If you intend to defend this lawsuit, within 20 days after this Summons is  
served on you, exclusive of the day of the service you must do the following:

a. File with the Clerk of this Court, whose address is shown below, a formal  
written response to the Complaint in accordance with the rules of the Court with the  
appropriate filing fee.

2. Unless you respond, your default will be entered upon application of the Plaintiff and this Court may enter a judgment against you for the relief demanded in the Complaint, which could result in the taking of your money or property, or other relief requested in the Complaint.

7 3. If you intend to seek the advice of an attorney in this matter, you should  
8 do so promptly so that your response may be filed on time.

4. The State of Nevada, its political subdivisions, agencies, officers, employees, board members, commission members and legislators, each have 45 days after service of this Summons within which to file an Answer or other responsive pleading to the Complaint.


14 Issued at the direction of: STEVEN D. GRIERSON  
CLERK OF THE COURT

17 /s/ Ryan Kerbow, Esq.  
18 RYAN KERBOW, ESQ.  
19 BERNSTEIN & POISSON  
20 320 S. Jones Boulevard  
21 Las Vegas, Nevada 89107  
Telephone: (702) 256-4566  
Facsimile: (702) 256-6280  
Attorney for Plaintiff.

Robyn Rodriguez 12/20/2021  
DEPUTY CLERK Date  
County Courthouse  
200 Lewis Avenue  
Las Vegas, Nevada 89155  
Robyn Rodriguez

22 **NOTE:** When service is by publication, add a brief statement of the object of the action.  
See Rules of Civil Procedure, Rule 4(b).

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CASE NO: A-21-845580-C  
Department 16

**COMP**  
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Nevada Bar No. 14070  
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Facsimile: (702) 256-6280  
*Attorneys for Plaintiff*

**EIGHTH JUDICIAL DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

ELVIA WILLIAMS, an individual,  
  
Plaintiff,

Case No.:  
  
Dept. No.:

v.

99 CENTS ONLY STORES, LLC.; DOES 1  
through 100; and ROE CORPORATION 101  
through 200, inclusive,  
  
Defendant(s).

**COMPLAINT**

COMES NOW, the Plaintiff, by and through his counsel of record, BERNSTEIN &  
POISSON, submits this complaint against Defendants for the foregoing causes of action, and  
alleges as follows:

**JURISDICTION**

1. Elvia Williams, (hereinafter "Plaintiff") is individual residing in Clark County, Nevada.
2. 99 Cents Only Stores, LLC, is a limited liability company, doing business in Clark County, Nevada.
3. DOE and ROE Defendants 1 through 200 are legal entities/residents of Clark County, Nevada, and authorized to do business by the State of Nevada. Furthermore, said Doe and Roe Defendants were employees, agents, or servants of Defendants in its control and

1 functioned and assisted in the operation, control maintenance and/or management of the premise,  
2 in which plaintiff was injured, causing damages.

3 4. The true names and capacities, whether individual, corporate, associate or  
4 otherwise of Defendants DOES 1 through 100 and ROE CORPORATIONS 101 through 200,  
5 inclusive, are unknown to Plaintiff who therefore sues said Defendants by such fictitious names;  
6 on information and belief, Plaintiff alleges that the Defendants, and each of them, designated  
7 herein as a DOE or ROE CORPORATION were responsible in some manner for the injuries  
8 sustained by the Plaintiff resulting from the below stated incident; and is liable for all damages  
9 due to Plaintiff as alleged herein. Plaintiff will ask leave of court to amend this Complaint to  
10 insert the true names and capacities when the same is ascertained and to join such Defendants in  
11 this action.

12 5. DOES 1 through 5 are entities responsible for maintaining the property known as  
13 99 Cents Only Stores, located at 3258 North Las Vegas Blvd., Las Vegas, NV 89115. DOES 6  
14 through 10 are entities or individuals who maintained the floors subject to this incident at the  
15 property, 99 Cents Only Stores, located at 3258 North Las Vegas Blvd., Las Vegas, NV 89115.  
16 DOES 11 through 15 are the entities or individuals responsible for cleaning the flooring subject  
17 to this incident at the property, 99 Cents Only Stores, located at 3258 North Las Vegas Blvd.,  
18 Las Vegas, NV 89115. DOES 16 through 20 are entities or individuals responsible for inspection  
19 of the flooring subject to this incident at the property, 99 Cents Only Stores, located at 3258  
20 North Las Vegas Blvd., Las Vegas, NV 89115.

#### 21 CLAIM FOR NEGLIGENCE

22 6. Defendants are owners of the property that is subject to this incident, located at 99  
23 Cents Only Stores, located at 3258 North Las Vegas Blvd., Las Vegas, NV 89115 (hereinafter  
24 "the Property").

25 7. On January 2, 2020, Elvia Williams was legally on the premise owned and  
26 operated by Defendants.

27 8. While Ms. Williams was walking through the store, she slipped and fell on a  
28 banana.

**Bernstein & Poisson**

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1           9.       Defendants were in charge of maintaining the common areas of the Property.

2           10.      The aisle of the store where Ms. Williams fell was in the common area.

3           11.      Defendants had a duty to properly maintain the common area and provide an  
4 area that was safe for use.

5           12.      Defendants breached their duty by failing to maintain and provide a clean floor  
6 free from debris.

7           13.      Defendants, and each of them, had a duty to supervise and maintain said premises  
8 in a reasonably safe and suitable condition for its patrons, guests and invitees; and further to take  
9 any and all reasonable precautions to avoid the presence of dangerous conditions on or around  
10 said premises.

11          14.      Defendants had a duty to inspect and maintain the common area in a safe and  
12 reasonable manner to ensure safe use of floor.

13          15.      Defendants breached their duty by failing to maintain the floor and ensure its safe  
14 use and operation.

15          16.      Defendants and their employees knew or should have known about the dangerous  
16 condition, which caused the injuries to Plaintiff, yet continued to let this condition exist, causing  
17 an unreasonable threat to the safety of those on their property, including Plaintiff.

18          17.      Defendants allowed the dangerous condition to exist for an extended period of  
19 time by negligently allowing the floor to be improperly maintained, installed, and safe.

20          18.      Defendants, and each of them, known and unknown, breached these duties,  
21 directly and proximately causing Plaintiff's injuries.

22          19.      Defendants, despite having actual notice or constructive notice, upon a reasonable  
23 inspection of its premises, that a dangerous condition existed. Defendants, failed to cure the  
24 same, enact proper safeguards, or warn of same to prevent serious bodily injury to Plaintiff, all in  
25 breach of its duty of due care herein.

26          20.      Defendant's negligence was the actual and proximate cause of physical injury to  
27 Elvia Williams.  
28

21. Elvia Williams incurred medical expenses, wage loss, loss of household services, pain and suffering, as a result of this incident.

22. This incident caused Plaintiff to suffer severe injuries and damages in an amount in excess of \$15,000.00 subject to proof at trial, and Plaintiff will continue to suffer from her injuries in the future.

**DEMAND FOR JUDGMENT**

**WHEREFORE**, the Plaintiff reserving her right individually or through his representatives, to amend his Complaint prior to, or at the time of trial of this action to insert those items of damage not yet fully ascertainable, pray for judgment against said Defendants, and each of them as follows:

- 1) For General and Special Damages in a sum in excess of \$15,000.00;
- 2) For Attorneys' fees and costs of suit incurred herein;
- 3) For interest at the statutory rate; and
- 4) For such other and further relief as the Court may deem just and equitable in the matter.

DATED this 17th day of December 17, 2021.

Respectfully submitted,

**BERNSTEIN & POISSON**


/s/ Amber N. King, Esq.  
SCOTT L. POISSON, ESQ.  
State Bar No. 010188  
AMBER N. KING, ESQ.  
State Bar No. 14070  
700 S. Jones Blvd.  
Las Vegas, Nevada 89107  
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Email: [amber@vcgashurt.com](mailto:amber@vcgashurt.com)  
*Attorneys for Plaintiff*

**Bernstein & Poisson**

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1/6/2022 10:56 AM  
Steven D. Grierson  
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ANS  
LEW BRANDON, JR., ESQ.  
Nevada Bar No. 5880  
ANDREW GUZIK, ESQ.  
Nevada Bar No. 12758  
HOMERO GONZALEZ, ESQ.  
Nevada Bar No. 15231  
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[a.guzik@bsnv.law](mailto:a.guzik@bsnv.law)  
[h.gonzalez@bsnv.law](mailto:h.gonzalez@bsnv.law)  
*Attorneys for Defendant,*  
99 CENTS ONLY STORES, LLC

**EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA**

ELVIA WILLIAMS, an individual,

Plaintiff,

vs.

CASE NO.: A-21-845580-C

DEPT. NO.: 16

99 CENTS ONLY STORES, LLC,;  
DOES 1 through 100; and ROE  
CORPORATION 101 through 200,  
inclusive,

Defendants.

**DEFENDANT, 99 CENTS ONLY  
STORES, LLC'S ANSWER TO  
PLAINTIFF'S COMPLAINT**

COMES NOW, Defendant, 99 CENTS ONLY STORES, LLC, by and through its attorneys, LEW BRANDON, JR., ESQ., ANDREW GUZIK, ESQ., and HOMERO GONZALEZ, ESQ., of BRANDON | SMERBER LAW FIRM, and hereby answers Plaintiff's Complaint on file herein as follows:

1. Answering Paragraphs 1, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 14 of Plaintiff's Complaint on file herein, Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the said allegations and therefore denies same.

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**BRANDON | SMERBER  
LAW FIRM**





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**BRANDON | SMERBER**  
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**FOURTH AFFIRMATIVE DEFENSE**

All the risks and dangers involved in the factual situation described in Plaintiff's Complaint, if any there were, were open, obvious and known to the Plaintiff and by reason thereof, Plaintiff assumed the risks and dangers inherent thereto.

**FIFTH AFFIRMATIVE DEFENSE**

Defendant alleges that the negligence of the Plaintiff exceeded that of the Defendant, and that the Plaintiff is thereby barred from recovery.

**SIXTH AFFIRMATIVE DEFENSE**

Pursuant to NRCP 11, as amended: All possible affirmative defenses may not have been alleged herein insofar as sufficient facts were not available after reasonable inquiry upon the filing of Defendant's Answer, and therefore, Defendant reserves the right to amend this Answer to allege additional affirmative defenses if subsequent investigation warrants.

**SEVENTH AFFIRMATIVE DEFENSE**

The damages sustained by Plaintiff, if any, were caused by the acts of third persons who were not agents, servants or employees of this answering Defendant and who were not acting on behalf of this answering Defendant in any manner or form and as such, this Defendant is not liable in any matter to the Plaintiff.

**EIGHTH AFFIRMATIVE DEFENSE**

Defendant at all times relevant to the allegations contained in Plaintiff's Complaint, acted with due care and circumspection in the performance of any and all duties imposed on it.

**NINTH AFFIRMATIVE DEFENSE**

That it has been necessary of the Defendant to employ the services of an attorney to defend the action and a reasonable sum should be allowed Defendant for attorney's fees, together with costs of suit incurred herein.

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**TENTH AFFIRMATIVE DEFENSE**

Plaintiff has failed to mitigate her alleged damages, and, to the extent of such failure to mitigate any damages awarded to Plaintiff, should be reduced accordingly.

**ELEVENTH AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred by applicable statutes of limitations.

**TWELFTH AFFIRMATIVE DEFENSE**

Defendant objects as to authentication, foundation and genuineness of all of Plaintiff's medical providers and documents listed or presented by Plaintiff.

WHEREFORE, Defendant, 99 CENTS ONLY STORES, LLC, prays as follows:

1. That Plaintiff take nothing by way of her Complaint on file herein;
2. For reasonable attorney's fees and costs of suit incurred herein;
3. For such other and further relief as the Court may deem just and proper in the premises.

DATED this 6<sup>th</sup> day of January, 2022.

**BRANDON | SMERBER LAW FIRM**

/s/ Lew Brandon, Jr., Esq.

**LEW BRANDON, JR., ESQ.**

Nevada Bar No. 5880

**ANDREW GUZIK, ESQ.**

Nevada Bar No. 12758

**HOMERO GONZALEZ, ESQ.**

Nevada Bar No. 15231

139 E. Warm Springs Road

Las Vegas, Nevada 89119

(702) 384-8424

(702) 384-6568 - facsimile

Attorneys for Defendant,

99 CENTS ONLY STORES, LLC

///

///

///

**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I hereby certify that on January 6, 2022, I served the foregoing

**DEFENDANT 99 CENTS ONLY STORES, LLC'S ANSWER TO PLAINTIFF'S**

**COMPLAINT** through the Court's ECF electronic filing system, upon the following:

**SCOTT L. POISSON, ESQ.**

Nevada Bar No. 10188

**AMBER N. KING, ESQ.**

Nevada Bar No. 14070

**BERNSTEIN & POISSON**

700 S. Jones Blvd.

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[scott@vegashurt.com](mailto:scott@vegashurt.com)

[amber@vegashurt.com](mailto:amber@vegashurt.com)

*Attorneys for Plaintiff,*

*ELVIA WILLIAMS*

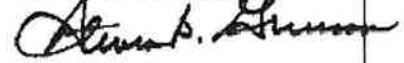
/s/ Bonita Alexander

An Employee of BRANDON | SMERBER LAW FIRM

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**BRANDON | SMERBER**  
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1 **IAFD**  
2 **LEW BRANDON, JR., ESQ.**  
3 Nevada Bar No. 5880  
4 **ANDREW GUZIK, ESQ.**  
5 Nevada Bar No. 12758  
6 **HOMERO GONZALEZ, ESQ.**  
7 Nevada Bar No. 15231  
8 **BRANDON | SMERBER LAW FIRM**  
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13 [l.brandon@bsnv.law](mailto:l.brandon@bsnv.law)  
14 [a.guzik@bsnv.law](mailto:a.guzik@bsnv.law)  
15 [h.gonzalez@bsnv.law](mailto:h.gonzalez@bsnv.law)  
16 *Attorneys for Defendant,*  
17 **99 CENTS ONLY STORES, LLC**

18 **EIGHTH JUDICIAL DISTRICT COURT**  
19 **CLARK COUNTY, NEVADA**

20 ELVIA WILLIAMS, an individual,

21 Plaintiff,

22 vs.

CASE NO.: A-21-845580-C

DEPT. NO.: 16

23 99 CENTS ONLY STORES, LLC,;  
24 DOES 1 through 100; and ROE  
25 CORPORATION 101 through 200,  
26 inclusive,

27 Defendants.

28 **INITIAL APPEARANCE FEE**  
**DISCLOSURE**  
**(NRS CHAPTER 19)**

Pursuant to NRS Chapter 19, as amended by Senate Bill 106, filing fees are submitted for parties appearing in the above-entitled action as indicated below:

Defendant, 99 CENTS ONLY STORES, LLC..... \$223.00

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///

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**BRANDON | SMERBER**  
**LAW FIRM**

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**BRANDON | SMERBER**  
LAW FIRM

1 **TOTAL REMITTED. .... \$223.00**

2 DATED this 6<sup>th</sup> day of January, 2022.

3 **BRANDON | SMERBER LAW FIRM**

4 /s/ Lew Brandon, Jr., Esq.

5 **LEW BRANDON, JR., ESQ.**

6 Nevada Bar No. 5880

7 **ANDREW GUZIK, ESQ.**

8 Nevada Bar No. 12758

9 **HOMERO GONZALEZ, ESQ.**

10 Nevada Bar No. 15231

11 139 East Warm Springs Road

12 Las Vegas, Nevada 89119

13 *Attorneys for Defendant,*

14 *99 CENTS ONLY STORES, LLC*

15 **CERTIFICATE OF SERVICE**

16 Pursuant to Nev. R. Civ. P. 5(b), I certify that on January 6, 2022, I served a true and  
17 correct copy of the foregoing **INITIAL APPEARANCE FEE DISCLOSURE (NRS**  
18 **CHAPTER 19)** through the Court's ECF electronic filing system, upon the following:

19 **SCOTT L. POISSON, ESQ.**

20 Nevada Bar No. 10188

21 **AMBER N. KING, ESQ.**

22 Nevada Bar No. 14070

23 **BERNSTEIN & POISSON**

24 700 S. Jones Blvd.

25 Las Vegas, Nevada 89107

26 (702) 877-4878

27 Facsimile: (702) 256-6280

28 *scott@vegashurt.com*

*amber@vegashurt.com*

*Attorneys for Plaintiff,*

*ELVIA WILLIAMS*

/s/ Bonita Alexander

An Employee of BRANDON | SMERBER LAW FIRM

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DMJT  
LEW BRANDON, JR., ESQ.  
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Nevada Bar No. 12758  
HOMERO GONZALEZ, ESQ.  
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Attorneys for Defendant,  
99 CENTS ONLY STORES, LLC

**EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA**

ELVIA WILLIAMS, an individual,

Plaintiff,

vs.

CASE NO.: A-21-845580-C

DEPT. NO.: 16

99 CENTS ONLY STORES, LLC,;  
DOES 1 through 100; and ROE  
CORPORATION 101 through 200,  
inclusive,

**DEMAND FOR JURY TRIAL**

Defendants.

COMES NOW, Defendant, 99 CENTS ONLY STORES, LLC, by and through its  
attorneys of record, LEW BRANDON, JR., ESQ., ANDREW GUZIK, ESQ., and HOMERO  
GONZALEZ, ESQ., of the BRANDON | SMERBER LAW FIRM, and hereby demands a Jury

///

///

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///

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**BRANDON | SMERBER  
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**LAW FIRM**

1 Trial in the above-entitled action.

2 DATED this 6<sup>th</sup> day of January, 2022.

3 **BRANDON | SMERBER LAW FIRM**

4 /s/ Lew Brandon, Jr., Esq.

5 **LEW BRANDON, JR., ESQ.**

6 Nevada Bar No. 5880

7 **ANDREW GUZIK, ESQ.**

8 Nevada Bar No. 12758

9 **HOMERO GONZALEZ, ESQ.**

10 Nevada Bar No. 15231

11 139 East Warm Springs Road

12 Las Vegas, Nevada 89119

13 *Attorneys for Defendant,*

14 *99 CENTS ONLY STORES, LLC*

15 **CERTIFICATE OF SERVICE**

16 Pursuant to Nev. R. Civ. P. 5(b), I certify that on January 6, 2022, I served a true and  
17 correct copy of the foregoing **DEMAND FOR JURY TRIAL** through the Court's ECF electronic  
18 filing system, upon the following:

19 **SCOTT L. POISSON, ESQ.**

20 Nevada Bar No. 10188

21 **AMBER N. KING, ESQ.**

22 Nevada Bar No. 14070

23 **BERNSTEIN & POISSON**

24 700 S. Jones Blvd.

25 Las Vegas, Nevada 89107

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[amber@vegashurt.com](mailto:amber@vegashurt.com)

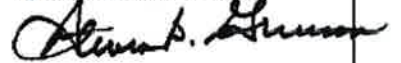
*Attorneys for Plaintiff,*

*ELVIA WILLIAMS*

/s/ Bonita Alexander

An Employee of BRANDON | SMERBER LAW FIRM

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1 **CSRE**  
2 **LEW BRANDON, JR., ESQ.**  
Nevada Bar No. 5880  
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Nevada Bar No. 12758  
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9 [a.guzik@bsnv.law](mailto:a.guzik@bsnv.law)  
10 [h.gonzalez@bsnv.law](mailto:h.gonzalez@bsnv.law)  
Attorneys for Defendant,  
11 99 CENTS ONLY STORES, LLC

12 **EIGHTH JUDICIAL DISTRICT COURT**  
13 **CLARK COUNTY, NEVADA**

14 ELVIA WILLIAMS, an individual,

15 Plaintiff,

16 vs.

CASE NO.: A-21-845580-C

DEPT. NO.: 16

17 99 CENTS ONLY STORES, LLC;  
18 DOES 1 through 100; and ROE  
19 CORPORATION 101 through 200,  
inclusive,

20 Defendants.

**CONSENT TO SERVICE BY**  
**ELECTRONIC MEANS**  
**THROUGH E-FILING PROGRAM**

21 The undersigned parties hereby consent to service of documents by electronic means  
22 through the Court's E-filing program on behalf of the following parties: 99 CENTS ONLY  
23 STORES, LLC.

24 Documents served by electronic means must be transmitted to the following persons at  
25 the e-mail addresses listed: [l.brandon@bsnv.law](mailto:l.brandon@bsnv.law); [a.guzik@bsnv.law](mailto:a.guzik@bsnv.law); and [h.gonzalez@bsnv.law](mailto:h.gonzalez@bsnv.law).

26 It is my understanding that the attachments may be transmitted to the program in any  
27 format and will be converted to a PDF file before service is effected.  
28

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**LAW FIRM**

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**BRANDON | SMERBER**  
**LAW FIRM**

1 The undersigned also acknowledges that this Consent does not require service by  
2 electronic means unless the serving party elects to do so.

3 DATED this 6<sup>th</sup> day of January, 2022.

4 **BRANDON | SMERBER LAW FIRM**

5  
6 /s/ Lew Brandon, Jr., Esq.

7 **LEW BRANDON, JR., ESQ.**

8 Nevada Bar No. 5880

9 **ANDREW GUZIK, ESQ.**

10 Nevada Bar No. 12758

11 **HOMERO GONZALEZ, ESQ.**

12 Nevada Bar No. 15231

13 139 East Warm Springs Road

14 Las Vegas, Nevada 89119

15 *Attorneys for Defendant,*

16 *99 CENTS ONLY STORES, LLC*

17 **CERTIFICATE OF SERVICE**

18 Pursuant to Nev. R. Civ. P. 5(b), I certify that on January 6, 2022, I served a true and  
19 correct copy of the foregoing **CONSENT TO SERVICE BY ELECTRONIC MEANS**  
20 **THROUGH E-FILING PROGRAM** through the Court's ECF electronic filing system, upon  
21 the following:

22 **SCOTT L. POISSON, ESQ.**

23 Nevada Bar No. 10188

24 **AMBER N. KING, ESQ.**

25 Nevada Bar No. 14070

26 **BERNSTEIN & POISSON**

27 700 S. Jones Blvd.

28 Las Vegas, Nevada 89107

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*Attorneys for Plaintiff,*

*ELVIA WILLIAMS*

/s/ Bonita Alexander

An Employee of BRANDON | SMERBER LAW FIRM

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1 **DSST**  
2 **LEW BRANDON, JR., ESQ.**  
3 Nevada Bar No. 5880  
4 **ANDREW GUZIK, ESQ.**  
5 Nevada Bar No. 12758  
6 **HOMERO GONZALEZ, ESQ.**  
7 Nevada Bar No. 15231  
8 **BRANDON | SMERBER LAW FIRM**  
9 139 E. Warm Springs Road  
10 Las Vegas, Nevada 89119  
11 (702) 380-0007  
12 (702) 380-2964 – *facsimile*  
13 [l.brandon@bsnv.law](mailto:l.brandon@bsnv.law)  
14 [a.guzik@bsnv.law](mailto:a.guzik@bsnv.law)  
15 [h.gonzalez@bsnv.law](mailto:h.gonzalez@bsnv.law)  
16 *Attorneys for Defendant,*  
17 **99 CENTS ONLY STORES, LLC**

18 **EIGHTH JUDICIAL DISTRICT COURT**  
19 **CLARK COUNTY, NEVADA**

20 ELVIA WILLIAMS, an individual,

21 Plaintiff,

22 vs.

CASE NO.: A-21-845580-C

DEPT. NO.: 16

23 99 CENTS ONLY STORES, LLC,;  
24 DOES 1 through 100; and ROE  
25 CORPORATION 101 through 200,  
26 inclusive,

27 Defendants.

28 **DISCLOSURE STATEMENT PURSUANT TO NRCP 7.1**

The undersigned counsel of record for Defendant, 99 CENTS ONLY STORES LLC,  
hereby certifies that to their knowledge, Defendant, 99 CENTS ONLY STORES LLC, is a  
limited liability company with no publicly held company owning ten percent (10%) or more of  
99 CENTS ONLY STORES LLC.

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**BRANDON | SMERBER**  
**LAW FIRM**

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**BRANDON | SMERBER**  
**LAW FIRM**

1 There are no other known interested parties other than those identified.

2 DATED this 6<sup>th</sup> day of January, 2022.

3 **BRANDON | SMERBER LAW FIRM**

4 /s/ Lew Brandon, Jr., Esq.

5 **LEW BRANDON, JR., ESQ.**

6 Nevada Bar No. 5880

7 **ANDREW GUZIK, ESQ.**

8 Nevada Bar No. 12758

9 **HOMERO GONZALEZ, ESQ.**

10 Nevada Bar No. 15231

11 139 E. Warm Springs Road

12 Las Vegas, Nevada 89119

13 *Attorneys for Defendant,*

14 *99 CENTS ONLY STORES, LLC*

15 **CERTIFICATE OF SERVICE**

16 I hereby certify that on January 6, 2022, I served a copy of the foregoing **DISCLOSURE**

17 **STATEMENT PURSUANT TO NRCP 7.1** through the Court's ECF electronic filing system,

18 upon the following:

19 **SCOTT L. POISSON, ESQ.**

20 Nevada Bar No. 10188

21 **AMBER N. KING, ESQ.**

22 Nevada Bar No. 14070

23 **BERNSTEIN & POISSON**

24 700 S. Jones Blvd.

25 Las Vegas, Nevada 89107

26 (702) 877-4878

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*Attorneys for Plaintiff,*

**ELVIA WILLIAMS**

/s/ Bonita Alexander

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1 **REQT**  
2 **LEW BRANDON, JR., ESQ.**  
3 Nevada Bar No. 5880  
4 **ANDREW GUZIK, ESQ.**  
5 Nevada Bar No. 12758  
6 **HOMERO GONZALEZ, ESQ.**  
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15 [h.gonzalez@bsnv.law](mailto:h.gonzalez@bsnv.law)  
16 *Attorneys for Defendant,*  
17 **99 CENTS ONLY STORES, LLC**

18 **EIGHTH JUDICIAL DISTRICT COURT**  
19 **CLARK COUNTY, NEVADA**

20 ELVIA WILLIAMS, an individual,

21 Plaintiff,

22 vs.

CASE NO.: A-21-845580-C

DEPT. NO.: 16

23 99 CENTS ONLY STORES, LLC,;  
24 DOES 1 through 100; and ROE  
25 CORPORATION 101 through 200,  
26 inclusive,

27 Defendants.

28 **NRCP 16.1(a)(1)(C) REQUEST FOR**  
**COMPUTATION OF DAMAGES**  
**AND DISCLOSURE OF**  
**SUPPORTING DOCUMENTS AND**  
**NRCP 16.1(a)(1)(A)(iii) REQUEST**  
**FOR MEDICAL PROVIDER**  
**IDENTITY**

29 Pursuant to NRCP 16.1(a)(1)(C), Defendant 99 CENTS ONLY STORES, LLC, hereby  
30 requests that Plaintiff, ELVIA WILLIAMS, provide within thirty (30) days of this Request,  
31 computation of any and all categories of damages claimed by Plaintiff, including making available  
32 for inspection and copying as under Rule 34, the documents or other evidentiary matter not

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**LAW FIRM**

1 privileged or protected from disclosure on which such computation is based, including materials  
2 bearing on the nature and extent of injuries suffered.

3 DATED this 6<sup>th</sup> day of January, 2022.

4 **BRANDON | SMERBER LAW FIRM**

5 /s/ Lew Brandon, Jr., Esq.

6 **LEW BRANDON, JR., ESQ.**

7 Nevada Bar No. 5880

8 **ANDREW GUZIK, ESQ.**

9 Nevada Bar No. 12758

10 **HOMERO GONZALEZ, ESQ.**

11 Nevada Bar No. 15231

12 139 East Warm Springs Road

13 Las Vegas, Nevada 89119

14 *Attorneys for Defendant,*

15 *99 CENTS ONLY STORES, LLC*

16 **CERTIFICATE OF SERVICE**

17 Pursuant to Nev. R. Civ. P. 5(b), I certify that on January 6, 2022, I served a true and  
18 correct copy of the foregoing **NRCP 16.1(a)(1)(C) REQUEST FOR COMPUTATION OF**

19 **DAMAGES AND DISCLOSURE OF SUPPORTING DOCUMENTS AND NRCP**

20 **16.1(a)(1)(A)(iii) REQUEST FOR MEDICAL PROVIDER IDENTITY** through the Court's

21 ECF electronic filing system, upon the following:

22 **SCOTT L. POISSON, ESQ.**

23 Nevada Bar No. 10188

24 **AMBER N. KING, ESQ.**

25 Nevada Bar No. 14070

26 **BERNSTEIN & POISSON**

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*Attorneys for Plaintiff,*

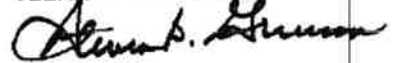
**ELVIA WILLIAMS**

/s/ Bonita Alexander

An Employee of BRANDON | SMERBER LAW FIRM



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**ROST**  
SCOTT POISSON, ESQ.  
Nevada Bar No. 10188  
**AMBER N. KING, ESQ.**  
Nevada Bar No. 14070  
**BERNSTEIN & POISSON**  
320 South Jones Boulevard  
Las Vegas, Nevada 89107  
Telephone: (702) 877-4878  
*Attorneys for Plaintiff*

**EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

ELVIA WILLIAMS, an individual,

Case No.: A-21-845580-C

Plaintiff,

Dept. No.: 16

v.

99 CENTS ONLY STORES, LLC.; DOES 1  
through 100; and ROE CORPORATION 101  
through 200, inclusive,

**REQUEST FOR EXEMPTION FROM  
ARBITRATION**

Defendant(s).

Plaintiff hereby requests the above entitled matter be exempted from arbitration pursuant to Nevada Arbitration Rules 3 and 5 as this case:

1. \_\_\_\_\_ presents a significant issue of public policy;
2.   X   involves an amount in issue in excess of \$50,000.00, exclusive of interest and costs;
3. \_\_\_\_\_ presents unusual circumstances which constitute good cause for removal from the program.

A summary of the specific facts which supports Plaintiffs' request for exemption is as follows:

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**I. FACTS**

On October 7, 2020, Elvia was lawfully and properly walking at the Defendant's premises when she slipped and fell on a banana on the ground. There was no warning signs or cones cautioning the public of the foreign substance. As a result of the fall, the Plaintiff was injured.

**II. INJURIES AND MEDICAL TREATMENT**

Ms. Williams presented to the Las Vegas Pain Institute with complains of pain to her back that radiated down her tailbone and legs. She was prescribed prescription medication, referred for further diagnostic studies, and was referred to neurological specialists.

She presented to Las Vegas Neurosurgery where she was recommended and underwent EMG/NCV studies and was instructed to continue with her physical and chiropractic therapy and her pain management.

With her pain and symptoms failing to subside she returned to Las Vegas Pain institute who recommended she undergo injections and rhizotomies in an attempt to resolve her pain and symptoms.

As a result of your insured's negligence, our client has had to suffer greatly emotionally and physically. The injuries that she sustained interfered greatly with her responsibilities and overall life enjoyment. Patricia continues to suffer and will have to live with pain for the rest of her life because of your insured's negligence.

A listing of Ms. Williams medical expenses are below:

**III. MEDICAL SPECIALS**

Las Vegas Neurosurgery	\$ 1,010.00
Las Vegas Pain Institute	\$ 62,737.40
Spring Valley Surgery Center	\$ 127,097.60
Las Vegas Neurology Center	\$ 1,715.00
Steinberg Diagnostics	\$ 854.00
<b>TOTAL</b>	<b>\$ 193,414.00</b>

1 **IV. CONCLUSION**

2 Defendant has a probable jury award value in excess of \$50,000.00, exclusive of interest  
3 and costs. Plaintiffs, therefore, respectfully request that this action be exempted from arbitration.

4 I hereby certify pursuant to N.R.C.P. 11, that this case is within the exemption marked  
5 above and I am aware of the sanctions, which may be imposed against any attorney or party who  
6 without good cause or justification attempts to remove a case from the arbitration program.  
7

8 DATED this 25th day of January 2022.

9 Respectfully submitted,

10 **BERNSTEIN & POISSON**

11  
12 /s/ Amber N. King

13 SCOTT L. POISSON, ESQ.

14 State Bar No. 10188

15 AMBER N. KING, ESQ.

16 State Bar No. 14070

17 Bernstein and Poisson

18 320 S. Jones Blvd.

19 Las Vegas, Nevada 89107

20 *Attorneys for Plaintiff*  
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26  
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28

**Bernstein & Poisson**

320 S. Jones Blvd.

Las Vegas, Nevada 89107

OFFICE: (702) 877-4878 FAX: (702) 256-6280

**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I am an employee of BERNSTEIN & POISSON, and that on this 25th day of January 2022, I did cause a true and correct copy of the document entitled: **REQUEST FOR EXEMPTION FOR ARBITRATION** to be served as follows:

- ☒ Electronic Service pursuant to Rule 9 of the NEFCR (Administrative Order 14-2); and/or
- ☐ U.S. Mail—By depositing a true copy thereof in the U.S. mail, first class postage prepaid and addressed as listed below; and/or
- ☐ Facsimile—By facsimile transmission pursuant to EDCR 7.26 to the facsimile number(s) shown below and in the confirmation sheet filed herewith. Consent to service under NRCP 5(b)(2)(D) shall be assumed unless an objection to service by facsimile transmission is made in writing and sent to the sender via facsimile within 24 hours of receipt of this Certificate of Service; and/or

Lew Brandon, Jr., Esq.  
Andrew Guzik, Esq.  
Homero Gonzalez, Esq.  
Brandon | Smerber Law Firm  
139 E. Warm Springs Road  
Las Vegas, NV 89119  
*Attorneys for Defendant*  
*99 Cents Only Stores, LLC.*

/s/ Sabina Demelas  
An employee of Bernstein & Poisson

**Bernstein & Poisson**

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